

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER JAMES,)
Petitioner,) No. C 07-3926 CRB (PR)
vs.) ORDER OF DISMISSAL
SUZAN HUBBARD, Acting Warden,) (Doc # 2)
Respondent.)

Petitioner, a state prisoner currently incarcerated at the California Medical Facility in Vacaville, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254. His first petition was dismissed on the merits on November 19, 2001. See James v. Ramirez-Palmer, No. C 01-3893 CRB (PR) (N.D. Cal. Nov. 19, 2001) (order).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refile if petitioner obtains the necessary order.

The clerk shall terminate all pending motions as moot and close the file.

SO ORDERED.

DATED: August 03, 2007


CHARLES R. BREYER
United States District Judge